

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:19-cr-0104-JRS-DLP
)	
JESSE J. MICKLES,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On July 23, 2020, and July 16, 2021, the Court held a hearing on the Petitions for Warrant or Summons for Offender Under Supervision filed on March 2, May 14, and July 8, 2020. Defendant Mickles appeared in person with his retained counsel Richard Jones for the Revocation Hearing. The government appeared by Adam Eakman, Assistant United States Attorneys. U. S. Parole and Probation appeared by Officer Travis Buehrer.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Mickles of his rights and provided him with a copy of the petition. Defendant Mickles orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Mickles admitted violation number 4. [Docket No. 25.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

**Violation
Number**

Nature of Noncompliance

4

“The defendant shall not commit another federal, state or local crime.”

On July 5, 2020, Indiana State Police observed a vehicle sitting on the shoulder of I-70 east bound. Jesse Mickles was the occupant and indicated he had pulled over to make a phone call. An odor of raw marijuana came from the vehicle, and on the front passenger seat was an open bottle of cognac. A search of both the offender and his vehicle revealed a cigar containing marijuana (blunt), five grams of marijuana, \$7,713 in cash, a tupperware style container containing a small amount of marijuana, odor proof bags, and a Sig Sauer P320 handgun. During the search of his person, Mr. Mickles indicated he wanted to come clean and stated there was a Sig Sauer .40 caliber handgun under the driver's seat of the vehicle. He stated it belonged to a friend who left it at his house, and he was taking it back to him.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months' imprisonment.

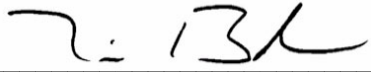
5. The parties jointly recommended a sentence of twenty-four (24) months with no supervised release to follow. The government recommended the sentence be served consecutively to the sentence received under 1:20-cr-0173-SEB-DML-1. Defendant's counsel argued for his sentenced to be served concurrently. Defendant requested placement at a federal facility located in Florida.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the

Attorney General or his designee for a period of ten (10) months with no supervised release to follow. This sentence is to be served consecutively to the sentence imposed under 1:21-cr-0173-SEB-DML-1. This Magistrate Judge will make a recommendation of placement to a federal facility located in the state of Florida. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 7/19/2021



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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